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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Richard Alan MCDONALD

Application No. : 10/684,851

Filed: October 15, 2003

Title: Breakaway Support for Overhead Lines

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**REMARKS**

The present invention relates to a breakaway support assembly for overhead lines and cables that presents a novel advancement over existing support assemblies as it provides an economic release system that serves to prevent damage to the supporting structure and/or other structural components in a line or cable suspension system if the system is subjected to certain forms of stress.

The Examiner has asserted that Claims 13, 15-17 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Pondman (U.S. 4,306,696). However, this rejection cannot stand as Pondman does not contain the recited elements set forth in the present invention. Specifically, the Pondman patent fails to adequately disclose the structural inclusion of a stranded link member. Further, Pondman does not disclose or teach the operation of multiple claimed elements in order to achieve the functionality of a coordinated and controlled structural failure of components. Finally, Pondman does not disclose a stabilizing assembly as is disclosed in the instant invention.

Lack of a Stranded Link Member or its Equivalent in Pondman '696.

The Examiner has taken the position that Pondman discloses "a stranded link member 8/18/14/13 secured t (sic) the support connector at one end and secured to the overhead line connection point 4 at the other end." (*See* Office Action of Dec 12, 2006 at 2). However, Pondman does not identify any stranded components in either the claims or the specification. Furthermore, Pondman does not graphically illustrate stranded components in the drawings. The claimed instant invention includes such a component both in the specification and the claims. Indeed, the component in the present invention is critical to the functionality of the device.

Lack of Similar Functionality, Purpose and Result in Pondman '696.

The Examiner has taken the position that Pondman discloses a link member (discussed *supra*) "whereby the link member will yield when force in excess of the tensile strength of the link member is applies to the overhead line connection point." (*See* Office Action of Dec 12, 2006 at 2).

Pondman neither claims nor discusses the concept that any of the components of his invention are designed for a coordinated failure. Pondman's device allows for a quick connection and disconnection. Pondman makes no mention of the consideration of component failure. Under the Pondman disclosure, the underlying supporting structure, i.e. the pole(s) upon which a cable was suspended, could fail before the Pondman apparatus failed. Pondman's device is simply not designed to fail. The present device utilizes the stranded member in order to achieve the goal of the device, a controlled failure under certain conditions.

Lack of a Stabilizing Assembly Element or its Equivalent in Pondman '696.

Pondman does not employ a stabilizing assembly. Pondman discloses two pivot points (See '696 Drawings #18 in Figure 4 & #9 in Figure 1). These pivot points prevent Pondman's device from resisting any horizontal forces. Basically, these two pivot points prevent the creation of a moment. It is evident that the Pondman device cannot and does not resist horizontal forces. This is a critical difference between the Pondman device and the present invention. Indeed, Pondman makes no claim that his device should resist horizontal forces. The present invention is intentionally designed to resist the horizontal loads (wind, tree, etc) that it may experience in use. Furthermore the present support assembly provides a means for controlling the level of force at which the breakaway element will yield, allowing controlled failure. Pondman discloses neither the elements required for such operation nor the functionality itself.

CONCLUSION

For the foregoing reasons, the Applicant submits that the apparatus disclosed and claimed in the present invention is not taught by any of the references of record, taken either alone or in combination, and all grounds of rejection and objection have been avoided and/or traversed with regard to the foregoing claims. The Examiner is therefore respectfully requested to reconsider and withdraw all objections and rejections and allow Claims 13, 15-17 and 24, as amended, in this application.

Respectfully submitted,

Date: 6 APR 07

Richard Alan McDonald

Richard Alan McDonald  
Applicant and Inventor

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail with sufficient postage affixed in an envelope addressed to the *Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450* on the date listed below.

6 APR 07      Richard Alan McDonald

Date

Signature